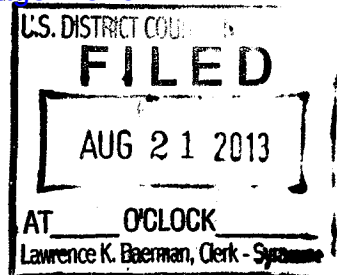


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORKMALCOLM JEMMOTT

Plaintiff(s)

vs.

DETECTIVE ERIC VANALLEN  
DETECTIVE SUMER  
LIEUTENANT JOHN TREMPER  
KINGSTON POLICE DEPT  
Defendant(s)

INMATE  
CIVIL  
RIGHTS  
COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983

Civil Case No.: 9: 13-cv-1020

Plaintiff(s) in the above-captioned action, allege(s) as follows:

## JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

## PARTIES

2. Plaintiff: MALCOLM JEMMOTT  
Address: EASTERN CORR FACILITY  
BOX 338 NAPANOCH  
NEW YORK 12458-0338

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: ERIC VANALLEN  
Official Position: DETECTIVE  
Address: 1 GARRAGHAN DR KINGSTON  
NEW YORK 12401

b. Defendant: SHUMER  
 Official Position: DETECTIVE

Address: 1 GARRAGHAN DR KINGSTON  
NEW YORK 12401

c. Defendant: John TREMPER  
 Official Position: LIEUTENANT

Address: 1 GARRAGHAN DR KINGSTON  
NEW YORK 12401

Additional Defendants may be added on a separate sheet of paper.

4. **PLACE OF PRESENT CONFINEMENT**

a. Is there a prisoner grievance procedure at this facility?

☒ Yes ☐ No

b. If your answer to 4(a) is YES, did you present the facts relating to your complaint in this grievance program?

☐ Yes ☐ No

If your answer to 4(b) is YES:

(i) What steps did you take?

I FILED A COMPLAINT WITH INTERNAL  
AFFAIRS FBI AND ATTORNEY GENERAL

(ii) What was the final result of your grievance?

THEY BOTH SAID THAT THEY WERE OVERWH  
ELMED WITH COMPLAINTS, AS SOON AS THEY  
CAN THEY WILL LOOK INTO IT, MY COMPLAINT

If your answer to 4(b) is NO:

Why did you choose to not present the facts relating to your complaint in the prison's grievance program?

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- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

(☒) Yes ( ) No

If your answer to 4(c) is YES:

- (i) What steps did you take?

When I got to The Ulster County Jail  
I told the medical staff. I also requested  
to go to outside hospital

- (ii) What was the final result regarding your complaint?

I was told that I would have  
to wait to see the facility doctor

If your answer to 4(c) is NO:

Why did you choose to not complain about the facts relating to your complaint in such prison?

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5.

#### PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

(☒) Yes (☒) No

- b. If your answer to 5(a) is YES you must describe any and all lawsuits, currently pending or closed, in the space provided on the next page.

For **EACH** such lawsuit, provide the following information:

i. Parties to previous lawsuit:

Plaintiffs:

MALCOLM JEMMOTT

Defendants:

ULSTER COUNTY JAIL, ULSTER COUNTY MEDICAL DEPT

ii. Court (if federal court, name District; if state court, name County:

ULSTER COUNTY

iii. Docket number: \_\_\_\_\_

iv. Name of Judge to whom case was assigned:

\_\_\_\_\_

v. Disposition (dismissed? on appeal? still pending?)

STILL PENDING

vi. Approximate date of filing prior lawsuit:

2/11

vii. Approximate date of disposition:

STILL PENDING

6.

### FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary.)**

I WAS ASSAULTED BY DET VAN ALLEN IN HOLDING CELLS. I WAS ALSO PUNCHED AND THROWN DOWN IN HOLDING. THEN I WAS ASSAULTED BY BOTH DETECTIVES IN THE INTERAGATION ROOM WITH ROLLED UP PHONE BOOKS. I WAS HIT ABOUT THE HEAD AND NECK AREA NUMEROUS TIMES, THAT CAUSED INTERNAL BLEEDING OF MY HEAD AND BRAIN. THEY USED EXCESSIVE FORCE THAT WAS UNPROVOKED.

Lieutenant John Tremper heard me screaming in the holding cells while his detective assaulted me and he did nothing to stop the assault.

7.

#### CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

##### FIRST CAUSE OF ACTION

ON 9/17/10 I WAS ASSAULTED BY DETECTIVE VAN ALLEN WHILE I WAS IN HOLDING CELLS. I WAS PUNCHED IN FACE AND PUSHED DOWN. LIEUTENANT JOHN TREMPER HEARD ME SCREAMING, AND DID NOTHING TO STOP THE ASSAULT OF HIS DETECTIVE.

##### SECOND CAUSE OF ACTION

I WAS HAND CUFFED IN INTERGATION ROOM, AND ASSAULTED BY DETECTIVE VAN ALLEN, AND DETECTIVE SHUMER BY BEING HIT ABOUT THE HEAD AND NECK AREA WITH PHONE BOOKS NUMEROUS TIMES, WHERE I SUSTAINED HEAD INJURIES. THE ACT OF VIOLENCE WAS EXCESSIVE USE OF UNNECESSARY FORCE. ALSO ON 9/17/10

##### THIRD CAUSE OF ACTION

8. Plaintiff(s) demand(s) a trial by

Jury -or- Court

(Circle only one).

9. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

I Pray That I be monetarily compensated for the  
treacherous act of violence, I sustained from the  
Kingston Police Dept. They demonstrated excessive  
force that has changed my life forever

I declare under penalty of perjury that the foregoing is true and correct.

DATED:

8/13/13

Malo M. Lemmott

Signature of Plaintiff(s)  
(all Plaintiffs must sign)